

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE
(REV. 7-2005)TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

976-33 PCT/US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/580888

INTERNATIONAL APPLICATION NO.

PCT/CU2004/000016

INTERNATIONAL FILING DATE

CU2003/0286

PRIORITY DATE CLAIMED

December 3, 2003

TITLE OF INVENTION

PROTEIN NMB0928 AND USE THEREOF IN PHARMACEUTICAL FORMULATIONS

APPLICANT(S) FOR DO/EO/US

Rolando Pajón Feyt, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EL 722317735 US

EXPRESS MAIL CERTIFICATE

Date: 5/25/06 Label No. EL 722317735 US
 I hereby certify that the date indicated above, I deposited this paper or fee
 with the U.S. Postal Service and that it was addressed for delivery to: Mail
 Stop , Commissioner for Patents, P.O. Box 1450,
 Alexandria, VA 22313-1450 by "EXPRESS MAIL Post Office to Addressee"
 Service.

Diana Guido Diana Guido
 (Print Name) (Signature)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| U.S. APPLICATION NO. (if known, see 37 CFR 1.53) <div style="font-size: 24pt; font-weight: bold; text-align: center;">10/580888</div> | INTERNATIONAL APPLICATION NO. <div style="font-weight: bold; text-align: center;">PCT/CU2004/000016</div> | ATTORNEY'S DOCKET NUMBER <div style="font-weight: bold; text-align: center;">976-33 PCT/US</div> | | | | | | | | | | | | | |
|--|--|---|--|------|--------------|-----------|----|------------|--------------------|---------|---|------------|--|-----------|--|
| 23. Other items or information: <div style="margin-left: 20px;">Paper copy of Sequence Listing.</div> | | | | | | | | | | | | | | | |
| The following fees have been submitted: | | CALCULATIONS | PTO USE | | | | | | | | | | | | |
| 24. <input checked="" type="checkbox"/> Basic national fee \$300 | \$300 | \$ 300.00 | | | | | | | | | | | | | |
| 25. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ... \$0 All other situations. \$200 | \$200 | \$ 200.00 | | | | | | | | | | | | | |
| 26. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. \$100 International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. \$400 All other situations. \$500 | \$500 | \$ 400.00 | | | | | | | | | | | | | |
| TOTAL OF 24, 25 and 26 = | | \$ 900.00 | | | | | | | | | | | | | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Total Sheets</th> <th style="width: 15%;">Extra Sheets</th> <th style="width: 35%;">Number of each additional 50 or fraction thereof (round up to a whole)</th> <th style="width: 35%;">RATE</th> </tr> <tr> <td style="text-align: center;">28 - 100 =</td> <td style="text-align: center;">0 /50 =</td> <td style="text-align: center;">0</td> <td style="text-align: center;">x \$250.00</td> </tr> </table> | Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE | 28 - 100 = | 0 /50 = | 0 | x \$250.00 | | \$ 0.00 | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE | | | | | | | | | | | | |
| 28 - 100 = | 0 /50 = | 0 | x \$250.00 | | | | | | | | | | | | |
| Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)). | | \$ | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">CLAIMS</th> <th style="width: 15%;">NUMBER FILED</th> <th style="width: 35%;">NUMBER EXTRA</th> <th style="width: 35%;">RATE</th> </tr> <tr> <td style="text-align: center;">Total claims</td> <td style="text-align: center;">31 - 20 =</td> <td style="text-align: center;">11</td> <td style="text-align: center;">x \$50.00</td> </tr> <tr> <td style="text-align: center;">Independent claims</td> <td style="text-align: center;">1 - 3 =</td> <td style="text-align: center;">0</td> <td style="text-align: center;">x \$200.00</td> </tr> </table> | CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | Total claims | 31 - 20 = | 11 | x \$50.00 | Independent claims | 1 - 3 = | 0 | x \$200.00 | | \$ 550.00 | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | | | | | | | | | | | |
| Total claims | 31 - 20 = | 11 | x \$50.00 | | | | | | | | | | | | |
| Independent claims | 1 - 3 = | 0 | x \$200.00 | | | | | | | | | | | | |
| MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00 | | \$ 0.00 | | | | | | | | | | | | | |
| TOTAL OF ABOVE CALCULATIONS = | | \$ 1,450.00 | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2. | | \$ 725.00 | | | | | | | | | | | | | |
| SUBTOTAL = | | \$ 725.00 | | | | | | | | | | | | | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). | | \$ 0.00 | | | | | | | | | | | | | |
| TOTAL NATIONAL FEE = | | \$ 725.00 | | | | | | | | | | | | | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + | | \$ 0.00 | | | | | | | | | | | | | |
| TOTAL FEES ENCLOSED = | | \$ 725.00 | | | | | | | | | | | | | |
| | | Amount to be | \$ | | | | | | | | | | | | |
| | | Amount to be | \$ | | | | | | | | | | | | |

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 08-2461 in the amount of \$ \$725.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-2461. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Ronald J. Baron, Esq.
Hoffmann & Baron, LLP
6900 Jericho Turnpike
Syosset, NY 11791

Customer No. 23869


SIGNATURE

Edna I. Gergel, Ph.D.

NAME

50,819

REGISTRATION NUMBER

May 25, 2006

DATE

Applicant: Rolando Pajón Feyt, et al.

Serial No.: Unassigned

Filing Date: Herewith

Group Art Unit: Unassigned

Examiner: Unassigned

Title: PROTEIN NMB0928 AND USE THEREOF IN
PHARMACEUTICAL FORMULATIONS

Docket: 976-32 PCT/US

Certificate of Mailing Dated: May 25, 2006

10/580888

Express Mail No.: EL 722317735 US

The U.S. Patent and Trademark Office date
stamp will acknowledge receipt of the following:

- ▶ Transmittal Letter to the United States Designated/Elected
Office (DO/EO/US) Concerning A Submission Under 35
U.S.C. 371 (x2)
- ▶ Copy of International Application as filed
- ▶ English Translation of International Application
(28 pages of spec. including 1 page of abstract;
4 pages of sequence listing and 4 pages of claims)
- ▶ Fourteen (14) Sheets of Formal Drawings
- ▶ Preliminary Amendment
- ▶ Transmittal of Sequence Listing
- ▶ Sequence Listing in Computer Readable Format (.txt)
- ▶ Paper Copy of Sequence Listing
- ▶ International Search Report

Hoffmann & Baron, LLP
EIG:dlg (976-0038)

AP15 Rec'd PCT/PTO 25 MAY 2006